Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
3.	04.07.2005	This court took up this matter suo motu by an order dated 26,5.2005, as the same involves public interest. The matter relates to illegal constructions in or around Upper Syari Government Quarters, ~~namely~~ by one Mr. Philip Khaling (Rai). This court took the assistance of Mr. S. P. Wangdi, the learned Advocate General who is all along assisted by Mr. J. B. Pradhan, learned Government Advocate and Mr. Karma Thinlay, learned Assistant Government Advocate for the State. With the assistance of the learned Advocate General, the Senior Architect-cum-Town Planner in the Urban Development and Housing Department, Government of Sikkim submitted a report for and on behalf of the Principal Secretary, Urban Development and Housing Department, Government of Sikkim. We have perused the report which is relevant and important in the case in hand, and, accordingly, the report is treated as part of the record and marked as **'x'** for identification. A bare perusal of the said report marked as **'x'** shows that a stop order was issued to Mr. Khaling on 21.5.2005 by the authority concerned and despite such notice given by the Town Planner, it is noticed that Mr. Khaling has carried on with his construction work. Accordingly, a site inspection was carried	

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		out by the Urban Development and Housing Department and, during the course of inspection, it was found that Mr. Khaling had realigned the existing footpath so that the site allotted to him would have a road frontage. The report further shows that Mr. Khaling has just started his foundation work and as per the construction order dated 31.3.2005, and the approved blue print plan, Mr. Khaling was to construct his building within a site measuring 28' x 23' = 644 sq.ft and that being the position, the Town Planner realigned the site and limited the area as per the approved blue print plan. Mr. Khaling was further directed to repair the damaged portion of the footpath immediately in compliance to the stop order and he has also been given a warning that if in case of encroachment on any additional area during construction, the same shall not be regularized and will be liable for demolition. As per the report, Mr. Khaling has accepted the above terms. Mr. K. T. Bhutia, learned Counsel appearing for and on behalf of Mr. Khaling, in his usual frankness submitted that his client will not encroach upon the other land and he will confine his construction only within the area approved by the authority concerned.	

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After proper application of our mind in this matter, we are of the view that the State ~~respondents~~ authority are/were in a position to take up certain correctional measures for the welfare of the people residing in or around Upper Syari Government Quarter. Though this matter is taken up by this Court suo motu on the basis of an unsigned letter, at least this Court has rendered justice to some section of people as discussed above. Suffice is also made with the above observations not to proceed with this case any further, and, accordingly this PIL case is closed.

N. Surjamani Singh

(N. Surjamani Singh)
Chief Justice (Acting)

(A. P. Subba)
Judge

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